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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/524,613

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Keisuke Kabashima

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EXAMINER

MIRZA, ADNAN M

ART UNIT

PAPER NUMBER

2445

MAIL DATE

DELIVERY MODE

10/02/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/524,613	<b>Applicant(s)</b> KABASHIMA ET AL.	
	<b>Examiner</b> ADNAN MIRZA	<b>Art Unit</b> 2445	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 July 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 25-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-6, 25-31 and 33-36 is/are allowed.
- 6) ☒ Claim(s) 32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED ACTION

**The following claims 1-6,25-26,27-28,29,30-31,33-34,35-36 were presented for prosecution. The following office action is in response to the Amendment submitted 07/09/2009.**

#### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bendinelli et al (U.S. 6,631,416) and further in view of Donaghey (U.S. 7,106,747).

A core router apparatus that receives and transfers a packet to which switching information has been affixed for switching the packet wherein: the core router apparatus switches the received packet by the core router apparatus itself based on the switching information affixed to the received packet in a transfer path order starting from the core router apparatus itself (col. 30, lines 22-29).

However Bendinelli did not disclose the core router apparatus comprises a transmitting device that transmits a packet that has had the switching information used by the core router apparatus itself deleted.

In the same field of endeavor Donaghey disclosed, "If so gateway 135 processes the received packet in the conventional fashion for 'hello' or 'keep alive' protocols which are used to determine the up/down state of an attached device) [step 1120]. If not gateway 135 may determine if VCI is equal to the route number [step 1125]. If so gateway processes the received router-to-gateway-update packet and update packet 900 and updates its gateway forwarding table 600 from data in packet 900 [step 1130]. If not, gateway 135 may determine if VClin is equal to the IP number [step 1135]. If so gateway removes the switch-packet header containing the VClin from the packet [step 1140] and forwards the packet to LAN 145 [step 1145] (col. 7, lines 39-47). One ordinary skill in the art at the time of the invention understands that removing the routing information that is gateway switch packet header information interpreted as destination address to send the packet.

It would have been obvious to one having ordinary skill in the art at the time of the invention was made to have incorporate If so gateway 135 processes the received packet in the conventional fashion for 'hello' or 'keep alive' protocols which are used to determine the up/down state of an attached device) [step 1120]. If not gateway 135 may determine if VCI is equal to the route number [step 1125]. If so gateway processes the received router-to-gateway-update packet and update packet 900 and updates its gateway forwarding table 600 from data in packet 900 [step 1130]. If not, gateway 135 may determine if VClin is equal to the IP number [step 1135]. If so gateway removes the

switch-packet header containing the VCLin from the packet [step 1140] and forwards the packet to LAN 145 [step 1145] as taught by Donaghey in the method and system of Bendinelli to provide fast, secure and reliable connectivity of connected network.

### **Reasons for Allowance**

2. The claims 1-6,25-31, 33-36 are considered allowed.
3. The following is an examiner's statement of reasons for allowance.

The prior art references most closely resembling the applicants claimed invention is Bendinelli (U.S. 6,631,416).

First, Bendinelli disclosed methods and systems are provided for enabling a network between a first and a second processor using at least one additional processor separate from the first and second processors. However Bendinelli failed to disclose, "wherein the content data includes virtual private network information that represents a virtual private network or logical line information that represents a logical line, and in the case in which a packet which includes contents data having a value outside a range defined in the line selection information stored in the line selection information storage device is input, in the case in which a packet which includes contents data which does not include virtual private network information is input when the content data includes the virtual private network information, or in the case in which a packet which includes content data which does not include logical

line information is input when the content data includes the logical line information is input when the content includes the logical line information, the line selection device selects a predetermined communication line. A switching information calculation device that uses a destination address of the packet received from the other network, searches the routing table and obtains the switching information for switching the received packet at each router apparatus positioned along the transfer path of the received packet within the network". These limitations are incorporated into all of the independent claims (claims 1, 2, 29,30,33,34).

### ***Response to Arguments***

4. Applicant's arguments with respect to claim 32 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

5. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Adnan Mirza whose telephone number is (571)-272-3885.

6. The examiner can normally be reached on Monday to Friday during normal business hours. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor SRIVASTAVA VIVEK can be reached on (571)-272-7304. The fax for this group is (703)-746-7239. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

7. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866)-217-9197 (toll-free).

/ADNAN MIRZA/

Examiner, Art Unit 2445